

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 23061 of 2015 (G)

PETITIONER(S):

- 1. MOHAMMED RAFAEEK P.K. AGED 44 YEARS
S/O.YOUSAF, PUTHIYA AZHIKAKAMKAD HOUSE, ANDROTT ISLAND
UT OF LAKSHADWEEP-682 551
NOW WORKING AS ELECTRICAL OFFICER IN MV BHARAT SEEMA
LDCL**
- 2. ABDUL KAHADER P.
S/O.ABOOSALA BALALIYAR, POODIYAM HOUSE, AMINI ISLAND
UT OF LAKSHADWEEP 682 552
NOW WORKING AS ELECTRICAL OFFICER IN MV THINNAKARA
LDCL**

**BY ADVS.SRI.SAIBY JOSE KIDANGOOR
SMT.S.SIBHA
SRI.P.M.MOHAMMED SALIH**

RESPONDENT(S):

- 1. MINISTRY OF SHIPPING
GOVERNMENT OF INDIA, GOVERNMENT SHIPPING OFFICE
NAU BHAVAN, 10, RK MARG BALLARD ESTATE
MUMBAI-400 001.**
- 2. LAKSHADWEEP DEVELOPMENT CORPORATION LTD.
(A GOVERNMENT OF INDIA UNDERTAKING) REP.
BY ITS GENERAL MANAGER
27/1038 B, PANAMPILLY NAGAR, ERNAKULAM
KOCHI-682036.**
- 3. DIRECTORATE GENERAL OF SHIPPING,
9TH FLOOR BETA BUILDING, I THINK TECHNO CAMPUS
KANJURMARG (EAST), MUMBAI-400 042.**

**R1 & 3 BY ADV. SRI.B.GOPALAKRISHNAN, CGC
R2 BY ADV. SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN
R BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : A TRUE COPY OF CERTIFICATE OF NATIONAL TRADE CERTIFICATE
ISSUED BY NATIONAL COUNCIL FOR VOCATIONAL TRAINING,
MINISTRY OF LABOUR, GOVERNMENT OF INDIA.
- EXT.P2 : A TRUE COPY OF CERTIFICATE OF NATIONAL TRADE CERTIFICATE
ISSUED BY NATIONAL COUNCIL FOR VOCATIONAL TRAINING,
MINISTRY OF LABOUR, GOVERNMENT OF INDIA.
- EXT.P3 : A TRUE COPY OF NOTIFICATION BY 3RD RESPONDENT.
- EXT.P4(A)
TO (K) : A TRUE COPY OF CONTINUOUS DISCHARGE CERTIFICATE BY 1ST
RESPONDENT.
- EXT.P5(A)
TO (D) : A TRUE COPY OF THE CONTINUOUS DISCHARGE CERTIFICATE BY
1ST RESPONDENT.
- EXT.P6 : A TRUE COPY OF AN AGREEMENT FOR EMPLOYMENT OF 1ST
PETITIONER.
- EXT.P7 : A TRUE COPY OF AN AGREEMENT FOR EMPLOYMENT OF 2ND
PETITIONER.
- EXT.P8 : A TRUE COPY OF COMMUNICATION ISSUED BY 2ND RESPONDENT
- EXT.P9 : A TRUE COPY OF REPRESENTATION
- EXT.P10 : A TRUE COPY OF COMMUNICATION.

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 23061 of 2015
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Dated this the 17th day of August, 2015

JUDGMENT

The petitioners are working on board Cruise Vessels as Electrical and Electronic Officers. In the writ petition, they are aggrieved by certain orders, that are issued by the 2nd respondent, introducing new eligibility criteria for engagement of Electrical and Electronic Officers. The grievance of the petitioners in the writ petition is essentially that, acting on the basis of the new eligibility criteria, that was fixed by the 2nd respondent Corporation, their immediate employer has decided to terminate their engagement as Electrical and Electronic Officers aboard on cruise vessels. While the writ petition was filed on 29.07.2015, it is now submitted by the learned counsel for the petitioner that the petitioners have since approached the Civil Court seeking reliefs against their immediate employer in connection with the premature termination of their services under a contract. Taking note of this submission of counsel for the petitioner, I am of the view that, inasmuch as the petitioners have already approached the civil court seeking appropriate reliefs against their immediate employer, who is a private party, the petitioners cannot maintain this writ petition,

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seeking the very same relief of reinstatement in service, pursuant to a contract entered into between the petitioners and their immediate employer. Accordingly, the writ petition is dismissed as not maintainable.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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